

REMARKS/ARGUMENTS

Claims 20, 22-27, and 30-32 are pending in the present application. Claim 20 has been amended by deleting glycine as a candidate of "the substances capable of reducing nitrite ions". Claim 32 is newly added by incorporating the limitations of buffer for maintaining an acidic pH as described at page 15, lines 9-14 of the specification into the present claim 20. Claims 1-19, 21, and 28-29 have been cancelled. No new matter has been entered by the present amendment.

Claim Rejections under 35 U.S.C. § 103

Claims 20, 22-24, 26, and 27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mizukami et al. (EP 0 882 983 A2) in view of Anderson et al. (U.S. Pat. 5,135,736).

According to the Examiner, Mizukami et al discloses a process whereby a reagent comprising a polymethine dye and a quaternary ammonium surfactant, at a pH ranging from 4.5 to 11, is used to differentially stain leukocytes. The Examiner acknowledges that Mizukami differs from the considered claims of the present application in that it fails to disclose a reagent containing a substance capable of reducing nitrite ions. However, the Examiner deems that Mizukami discloses the desirability of using a buffer in the composition. Therefore, the Examiner concludes that claims 20, 22-24, 26, and 27 are obvious under 35 U.S.C. 103(a) for a person of ordinary skill in the art would have added glycine, a buffer suitable for use in the *in vitro* testing for cell, as taught by Anderson, to the reagent of Mizukami.

Claim 20 has now been amended by deleting the recitation of glycine as a substance capable of reducing nitrite ions. Hence, the rejection of claim 20, and its dependent claims 22-24, 26, and 27 becomes moot now. Withdrawal of the rejection of claims 20, 22-24, 26, and 27 is respectively requested.

Claim 32 is newly added by incorporating limitations as to the buffer for maintaining an acidic pH as described at page 15, lines 9-14 into the present claim 20. For at least the same reason discussed in connection with claim 20, claim 32 is patentable over the cited references Mizukami and Anderson.

Based on the foregoing, Applicants believe that all the pending claims of the present application are now in condition of allowance. An early and favorable consideration is earnestly and respectfully requested.

It is believed that no other fees or charges are required at this time in connection with the present application; however, if any fees or charges are required at this time, they may be charged to our Patent and Trademark Office Deposit Account No. 03-2412.

Respectfully submitted,

COHEN, PONTANI, LIEBERMAN & PAVANE

By *Kent H. Cheng*
Kent H. Cheng
Reg. No. 33,849
551 Fifth Avenue, Suite 1210
New York, New York 10176
(212) 687-2770

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